

DETAILED ACTION

The following is a first action on the merits of application Serial No.10/595,663, filed May 3, 2006.

Preliminary Amendment

The preliminary amendment received May 3, 2006 has been entered. It is noted that applicant has submitted two claims 24 and two claims 27. In accordance with 37 CFR 1.126, claims 19, 20, 21, 22, 23, 24, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 27 have been renumbered as claims 19-38, respectively.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

Receipt is acknowledged of the Information Disclosure Statements filed May 3, 2006 and July 24, 2006. The cited documents have been considered.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "A". In Fig. 1, reference signs "17,18" have no lead line.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: The written description makes reference to specific claim numbers, e.g., line 2 of page 1. This is objected to since claims can be amended, renumbered, or cancelled during prosecution rendering meaningless the reference thereto in the original disclosure.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 19-38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The sentence extending from line 15 to line 18 of page 14 is not understood, particularly with reference to "changed in a simple manner between centripetal and centrifugal." The sentence extending from line 25 to line 27 of page 15 is also not understood.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 19-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The antecedent basis for "the turbine wheels", line 13 of claim 19, is unclear. Only one "turbine wheel" has been defined, the "primary turbine wheel" (line 5). There appears to be no antecedent basis for "the adjacent chamber", lines 15-16 of claim 19. It is unclear whether "an adjusting device" in line 26 is the same as, or in addition to, "an adjusting device" already defined in line 12. In

claim 32 (formerly claim 31), “the secondary turbine wheel” is recited without a proper antecedent basis. In lines 2-3 of claim 33 (formerly claim 32), “the operating means supply and conductance system” lacks a proper antecedent. The intended meaning of “a space in which the adjusting device is relieved” is unclear, line 2 of claim 36 (formerly claim 35).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19-38, insofar as definite, are rejected under 35 U.S.C. 102(b) as being anticipated by Fottinger('461). Fottinger discloses a starting unit with an input 1 that can be coupled to a drive and an output 9 that can be coupled to a drive part. A hydrodynamic component comprises a primary turbine wheel 2 and a secondary wheel 30. An engaging and disengaging clutch is provided at 35; and, while shown as a tooth clutch, Fottinger discloses that a friction clutch can be used. Fottinger also provides a means for influencing the transmission behavior comprising a part 30' that can be introduced into the working chamber and includes an adjusting device 34 for causing the introduction of the part 30' into the working chamber. The adjusting device comprises a cylinder-piston unit.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (571) 272-7089. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rodney H. Bonck/
Primary Examiner, Art Unit 3681

rhb
June 9, 2008